



CITY OF MORGAN HILL
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov / Email: General@ch.morgan-hill.ca.gov

PLANNING COMMISSION

TUESDAY, JULY 27, 2004

CITY COUNCIL CHAMBERS
CIVIC CENTER
17555 PEAK AVENUE
MORGAN HILL, CA

COMMISSIONERS

CHAIR CHARLES D. WESTON
VICE-CHAIR RALPH LYLE
COMMISSIONER H. GENO ACEVEDO
COMMISSIONER ROBERT J. BENICH
COMMISSIONER ROBERT ENGLES
COMMISSIONER ROBERT L. ESCOBAR
COMMISSIONER JOSEPH H. MUELLER

REGULAR MEETING - 7:00 P.M.

***** A G E N D A *****

NOTICE TO THE PUBLIC

The following policies shall govern the conduct of the Planning Commission meetings:

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
 - *Those supporting the application*
 - *Those opposing the application*
 - *Those with general concerns or comments*
 - *Presentations are limited to 5 minutes.*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

OPEN PUBLIC COMMENT PERIOD (5 MINUTES)

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

MINUTES: June 22, 2004 and July 13, 2004

OLD BUSINESS:

- 1 ZONING AMENDMENT, ZA-04-07: DIGITAL-VENTURE PROFESSIONAL CENTER:** A request for approval of a zoning amendment application to rezone approximately 9.4 acres of land within the Morgan Hill Ranch Business Park to allow for medical and general office uses. The subject site is currently zoned Planned Unit Development (PUD), Research & Development/Manufacturing, and is located west of Butterfield Boulevard within the Digital Drive loop. Approximately half of the site is currently developed with light industrial buildings. The remaining portion of the site is proposed for development of a 40,000-sf medical/dental office building and a 21,500-sf office building. Approval of the zoning amendment application would allow medical and general office uses within the existing and proposed buildings. (APNs 726-25-048 thru -058)

Recommendation: Reopen Public Hearing/Approve Mitigated Negative Declaration/Should Commission recommend approval of the request, Adopt Resolution No. 04-68, with recommendation to forward request to the City Council for approval.

NEW BUSINESS:

- 2. USE PERMIT AMENDMENT, UPA-87-09: DEWITT-WEST HILLS COMMUNITY CHURCH:** A request to amend an existing use permit for a Church on a 10.5-acre site to allow the continuing use of three existing portable buildings totaling 7,574 sq. ft. for use as classroom facilities and bathroom facilities for a five-year period. In addition, the applicant is requesting approval of a new portable classroom building totaling 1,920 sq. ft. for a five-year period. The site is located at 16695 Dewitt Ave, in the Open Space zoning district. (APNs 773-09-011,012,027,028)

Recommendation: Open Public Hearing/Adopt Resolution No. 04-70, approving request.

PLANNING COMMISSION AGENDA

JULY 27, 2004

PAGE 3

3. **SUBDIVISION, SD-04-10/DEVELOPMENT AGREEMENT AMENDMENT, DAA-03-12: PEET-LUPINE:** A request to subdivide an 8.252-acre portion of a 61-acre site to allow for the construction of 15 units (Phase 3) of an overall 90-unit single-family development. The project site is located at the northeast corner of Cochrane Rd. and Peet Rd in an R-1(12,000) Zoning District. The applicant is also requesting to amend the project development agreement to include the 15, Phase 3 units. (APNs 728-34-002 & -003)

Recommendation: Open Public Hearing/Adopt Resolution Nos. 04-71 (subdivision) and 04-72 (development agreement amendment), with recommendation to forward requests to the City Council for approval.

4. **SUBDIVISION, SD-04-09/DEVELOPMENT AGREEMENT AMENDMENT, DAA-03-13: MISSION VIEW-MISSION RANCH:** A request to subdivide a 2.6-acre portion of 98 acre site to allow for the construction of 12 units which will represent phase 9 of the Mission Ranch project located on the south east corner of the intersection of Cochrane Rd. and Mission View Dr. Also being requested is an amendment to the approved development agreement for phases 7, 8, & 9 of the Mission Ranch project, to incorporate the additional development allotments award through the Residential Development Control System. (APN 728-32-002, 003 & 728-33-001, 008 & 009)

Recommendation: Open Public Hearing/Adopt Resolution Nos. 04-73 (subdivision) and 04-74 (development agreement amendment), with recommendation to forward requests to the City Council for approval.

5. **USE PERMIT, UP-04-08: E. DUNNE-CINGULAR WIRELESS:** A request for a use permit to allow the installation of a forty (40') ft. tall, twelve (12") inch diameter telecommunications facility, disguised as a flag pole, and an accessory equipment structure at the Santa Clara County Fire District station at 2100 E. Dunne Avenue. The site is approximately 0.29 acres in size and is located in the Public Facilities (PF) zoning district. (APN 817-61-024)

Recommendation: Open Public Hearing/Continue item to the August 10 Meeting.

6. **USE PERMIT AMENDMENT, UPA-95-05: VINEYARD-METRO PCS/NEXTEL:** A request to amend a use permit to allow for the installation of three wireless telecommunications antennas on an existing Spectrasite monopole located at 16170 Vineyard Blvd. in the Light Industrial zoning district. (APN 817-05-050)

Recommendation: Open Public Hearing/Adopt Resolution No. 04-75, approving request.

7. **ZONING AMENDMENT, ZA-04-04: CITY OF MORGAN HILL-CCR TEXT AMENDMENT:** Amendment to Title 18, Chapter 18.24 of the Morgan Hill Municipal Code establishing development standards for location of ground floor non-retail uses and limiting such uses to second story and above in buildings located on Monterey Rd. in the Downtown District.

Recommendation: Open Public Hearing/Adopt Resolution No. 04-76, with recommendation to forward item to the City Council for approval.

8. **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) QUARTERLY**

PLANNING COMMISSION AGENDA

JULY 27, 2004

PAGE 4

REPORT: Quarterly review of the progress of residential projects that have been awarded building allocations under the City's Residential Development Control System, pursuant to Chapter 18.78 of the Morgan Hill Municipal Code.

Recommendation: Approval of report, with recommendation to forward to the City Council for approval.

TENTATIVE UPCOMING AGENDA ITEM FOR THE AUGUST 10, 2004 MEETING:

- **UP-04-08: E. Dunne-Cingular Wire**
- **UP-04-04: W. Main-Cingular Wireless/Metro PCS**
- **GPA-04-03: Butterfield-South Valley Developers**
- **ZA-04-09: Butterfield-South Valley Developers**
- **ZA-04-10: Monterey-Morgan Hill**
- **GPA-04-04: Monterey-Morgan Hill Medical**
- **ZA-04-11: Cochrane -TBI**
- **GPA-04-05: Cochrane-TBI**
- **GPA-04-02: City of M.H.-Amend Circulation Policy & LOS Policy for Unsignalized Intersections**
- **Comments for Bullet Train EIR**

ANNOUNCEMENTS:

- August 31, 2004, Special Meeting: Traffic Study and Street Standards Workshop
- September 8, 2004, Joint City Council/Planning Commission/ARB Workshop - ARB Handbook

CITY COUNCIL REPORTS

ADJOURNMENT

SPEAKER CARD

IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

PLANNING COMMISSION AGENDA

JULY 27, 2004

PAGE 5

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.

NOTICE

NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.